

REMARKS

The present paper is filed in response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated August 21, 2001 (copy enclosed).

attached Applicants previously submitted a Request for Transfer of Sequence Listing under 37 C.F.R. § 1.821(e), along with the Request for Filing Divisional Application under 37 C.F.R. § 1.53(b), on November 22, 1999. For the convenience of the Examiner, copies of the Request for Transfer of Sequence Listing, Request for Filing Divisional Application showing that a Request for Transfer of Sequence Listing was submitted therewith, and Applicants' return postcard, itemizing the Request for Transfer of Sequence Listing are attached hereto.

Applicants believe this response to be a complete response to the Office Communication mailed August 21, 2001. However, should the Examiner have any questions or comments regarding this matter, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,



Mark B. Wilson
Reg. No. 37,259
Agent for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
512.536.3035

Date: September 21, 2001

Applicati n No.: 09/448,330**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Applicant should follow the format of the attached sample statement to request that the CRF filed in the parent application be used to create a CRF in this application.

Applicant Must Provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Stephen A. Johnston et al.

Serial No.: Unknown

Filed: Unknown

For: EXPRESSION LIBRARY
IMMUNIZATION

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: UTSD:681/WIM

<u>EXPRESS MAIL MAILING LABEL</u>	
NUMBER	EL259185353US
DATE OF DEPOSIT	November 22, 1999

**REQUEST FOR TRANSFER OF SEQUENCE LISTING
UNDER 37 C.F.R. § 1.821(e)**

BOX SEQUENCE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.821(e), Applicants respectfully request that the sequence information previously submitted in parent application ("parent application"), U.S. Serial No. 09/001,157 filed December 30, 1997, be transferred to and used in the above-referenced patent application ("instant application"). Only one computer readable sequence listing was submitted to the U.S. Patent and Trademark Office in the parent application. The sequence information in the instant application is identical to the sequence information contained in the previously-filed computer readable sequence listing in the parent application. It is understood that the U.S. Patent and Trademark Office will make the necessary change in application number and filing date of

the computer readable form that will be used for the instant application. A paper copy of the sequence listing is included in the originally-filed specification of the instant application.

Applicants request the transfer of the previously-filed computer readable sequence listing from the parent application to the instant application is in lieu of filing a duplicate computer readable sequence listing.

No fee is believed to be due in connection with the filing of this document; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this document, the Assistant Commissioner is hereby authorized to deduct said fee from Arnold White & Durkee Deposit Account No. 01-2508/UTSD:681/WIM.

Respectfully submitted,



Mark B. Wilson
Reg. No. 37,259
Attorney for Applicant

ARNOLD, WHITE & DURKEE
P.O. Box 4433
Houston, Texas 77210-4433
(512) 418-3000

Date: November 22, 1999

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Atty. Dkt. No.: UTSD:681****Prior Application Examiner:
L. Scheiner****BOX PATENT APPLICATION**
Assistant Commissioner for Patents
Washington, D.C. 20231**Classification Designation:
424-190.100****Prior Group Art Unit: 1648****EL259185353US**

<u>EXPRESS MAIL MAILING LABEL</u>	
NUMBER	EL259185353US
DATE OF DEPOSIT	November 22, 1999

**REQUEST FOR FILING DIVISIONAL APPLICATION
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 90/001,157 filed December 30, 1997, entitled "Expression Library Immunization," which is a divisional of Serial No. 08/421,155 filed April 7, 1995, now issued as U.S. Patent 5,703,057.

- ☒ 1. Enclosed is a copy of the prior application Serial No. 08/421,155 as originally filed, including specification, claims, drawings, and declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or

both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) ☒ The inventorship is the same as prior Application Serial Nos. 08/421,155 and 09/001,157.

(b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

(c) ☐ Priority of foreign patent application number _____, filed in _____ is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:

☐ is enclosed.

☐ has been filed in the prior Application Serial No. _____

☐ 2. Enclosed is a check in the amount of \$ _____ to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Clause No. 7 below.

CLAIMS AS FILED IN THE PRIOR APPLICATION
LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$760.00
Total Claims	- 20 =	X	\$18.00 =	\$.00
Independent Claims	- 3 =	X	\$78.00 =	\$.00
Multiple Dependent Claim(s) -----				\$-0.00
TOTAL FILING FEES:				\$.00
FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE

- ☐ 3. Applicant is entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☐ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☐ (c) Small entity status is no longer claimed.
- ☒ 4. Enclosed is a copy of the current Power of Attorney in the prior application.
- ☒ 5. Address all future communications to:
- Mark B. Wilson
ARNOLD WHITE & DURKEE
750 Bering Drive
Houston, Texas 77057-2198
(512) 418-3000
- ☒ 6. The prior application is presently assigned to Board of Regents, The University of Texas System.
- ☒ 7. Enclosed is a preliminary amendment.
- ☐ 8. Cancel in this application claims of the prior application before calculating the filing fee. (At least one original independent claim must be retained).
- ☐ 9. Amend the specification by inserting before the first line the sentence: --This is a continuation of co-pending application Serial No. filed --.
- ☐ 10. Enclosed are formal drawings.
- ☐ 11. An Information Disclosure Statement (IDS) is enclosed.
- ☐ (a) PTO-1449.
- ☐ (b) Copies of IDS citations.
- ☒ 12. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. 09/001,157 filed December 30, 1997, for use in this application. Under 37 C.F.R. § 1.821(e), Applicant states that

the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No. 09/001,157 filed December 30, 1997. Under 37 C.F.R. § 1.821(f), Applicant also states that the information recorded in computer readable form is identical to the written sequence listing.

- ☒ 13. Other: Preliminary Amendment; Request for Transfer of Sequence Listing.
- ☒ 14. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,



Mark B. Wilson
Reg. No. 37,259
Attorney for Applicant

ARNOLD, WHITE & DURKEE
P.O. Box 4433
Houston, Texas 77210-4433
(512) 418-3000

Date: November 22, 1999

Please indicate receipt of the below-identified paper:

<input checked="" type="checkbox"/> New Application For:	Utility Patent	Priority Date: 04/07/95	4503 U.S. PTO 09/448330
<input type="checkbox"/> Foreign priority already claimed			
<input type="checkbox"/> Continuation	<input type="checkbox"/> CIP	<input checked="" type="checkbox"/> Divisional	CPA <input type="checkbox"/>
<input type="checkbox"/> Specification:	Pages:	<input type="checkbox"/> Drawings:	Sheets: 11/23/99
<input type="checkbox"/> Response to Office Action Dated:		<input type="checkbox"/> Final Rejection	
<input checked="" type="checkbox"/> Other: Req. for Filing Divisional Application; Copy of Specification, claims, abstract & figures from parent application (UTSD-411); Preliminary Amendment; Req. for Transfer of Sequence Listing			
<input type="checkbox"/> Assignment Enclosed	<input type="checkbox"/> Cert. of Timely Mailing	<input checked="" type="checkbox"/> Exp. Mail: EL259185353 US	

IDENTIFICATION OF APPLICATION

Serial No.:	unknown		
Title:	EXPRESSION LIBRARY IMMUNIZATION		
Applicant:	STEPHEN A. JOHNSTON ET AL	Attorney:	WIM
Client:	UT Southwestern Medical Center at Dallas	AWD File No.:	UTSD:681
Mailed:	11/22/99 ✓	Filed:	Due Date: 11/23/99